

## R E M A R K S

Careful review and examination of the subject application are noted and appreciated.

### CLAIM REJECTIONS UNDER 35 U.S.C. §102

The rejection of claims 1, 2, 6-9 and 11-16 under 35 U.S.C. §102 as being anticipated by Ghoshal has been obviated by appropriate amendment and should be withdrawn.

In contrast, claim 1 of the present invention provides a method for synchronizing a clock signal to a data signal, comprising the steps of (A) detecting an edge of the data signal, (B) generating a relative polarity and a magnitude of a phase error between (i) the edge of the data signal and (ii) the clock signal, (C) determining whether the magnitude is within a predetermined zone, (D) if the magnitude is within the predetermined zone, repeating steps (A)-(C), (E) if the magnitude is not within said predetermined zone, determining whether the relative polarity is a positive polarity or and a negative polarity, (F) if the relative polarity is positive, incrementing an accumulated value to adjust said position of said edge, and (G) if the relative polarity is negative, decrementing the accumulated value to adjust said position of said edge. Claims 9 and 14 provide similar limitations.

Ghoshal is silent regarding determining whether the relative polarity is a positive polarity or a negative polarity. Ghoshal is also silent regarding incrementing or decrementing an

accumulated value to adjust the position of the edge. At best, Ghoshal determines the relative polarity to increment or decrement a counter in order to generate the magnitude. Ghoshal makes no mention of comparing the magnitude to a predetermined zone, and if the magnitude is not within the predetermined zone, determining whether the relative polarity is either a positive polarity or a negative polarity. Since Ghoshal is not concerned with a positive polarity and a negative polarity, it follows that Ghoshal does not disclose or suggest incrementing or decrementing an accumulated value based on the positive or negative polarity, as presently claimed. As such, Ghoshal does not disclose or suggest each and every element of the claimed invention and the rejection should be withdrawn.

Regarding claim 15, Applicants' representative traverses the Examiner's suggestion that it is inherent to adjust a clock counter-clockwise if a polarity is positive and clockwise if a polarity is not positive. Inherency requires certainty of results, not mere possibility. See, e.g., *Ethyl Molded Products Co. v. Betts Package, Inc.*, 9 U.S.P.Q. 2d 1001 (E.D.Ky 1988). The rejection simply states a claim element, then concludes inherency. No analysis has been made. Therefore the rejection should be withdrawn.

As such, the presently claimed invention is fully patentable over the cited references and the rejection should be withdrawn.

**CLAIM REJECTIONS UNDER 35 U.S.C. §103**

The rejection of claims 3-5 and 10 under 35 U.S.C. §103 as being unpatentable over Ghoshal in view of Julyan, is respectfully traversed and should be withdrawn. Claims 3-5 and 10 depend, directly or indirectly, from the independent claims, which are now believed to be allowable.

As such, the presently claimed invention is fully patentable over the cited references and the rejection should be withdrawn.

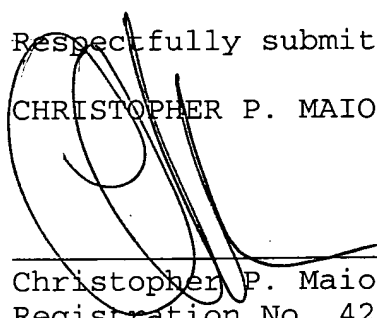
Accordingly, the present application is in condition for allowance. Early and favorable action by the Examiner is respectfully solicited.

The Examiner is respectfully invited to call the Applicants' representative should it be deemed beneficial to further advance prosecution of the application.

If any additional fees are due, please charge our office Account No. 50-0541.

Respectfully submitted,

CHRISTOPHER P. MAIORANA, P.C.



---

Christopher P. Maiorana  
Registration No. 42,829  
24840 Harper Avenue, Suite 100  
St. Clair Shores, MI 48080  
(586) 498-0670

Dated: January 24, 2005

Docket No.: 0325.00391